IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

WEDNESDAY, THE SECOND DAY OF FEBRUARY
TWO THOUSAND AND FIVE

PRESENT

THE HON'BLE MS JUSTICE G.ROHINI

-

WRIT PETITION NO : 1403 of 2005

Between:

Regadi Sayamma W/o Somaiah R/o Gannavaram Vilalge, Gowridevipeta, Bhadrachalam Mandal, Khammam District

..... PETITIONER

AND

1 The Chief Commissioner of Land Administration, Government of Andhra

Pradesh, Hyderabad
2 The Director of Settlement, Andhra Pradesh Hyderabad
3 The Settlement Officer-cum-Sub-Collector, Bhadrachalam, Khammam

District
4 Mandal Revenue Officer Bhadrachalam Madnal, Khammam District

.....RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court may be pleased to issue a Writ, order or direction more particularly one in the nature of Writ of Certiorari call for the records in connection with the orders passed by the respondents in L1/335/2001, dt 24-11-2003 quash the same and file No. L1/140/91 dt 6-6-1998 passed by the 1st respondent and the 2nd respondent orders in D.Dis NO. 1998/88 (G1) dt 20-11-1990 and the 3rd respondent orders in Case No. 6310/77 dt 6-4-1978 is illegal and void and opposed to the law of Regulation 2 of 1970 and opposed to Articles 14, 19, 21 and 300(A) of Constitution of India and consequently direct the respondents after giving an opportunity to the petitioner and pass appropriate orders under Regulation 2 of 1970 by granting patta in respect of the land R.S.No.30/2 and 30/3 of Krishnavaram Vilage, Bhadrachalam Mandal, Khammam District to an extent of Hector 1-17 acres and Hectors 0-83 acres.

Counsel for the Petitioner: MR.MUMMANENI.SRINIVASA RAO
Counsel for the Respondents: GP FOR REVENUE

The Court at the admission stage made the following:

ORDER:

The petitioner claims to be in occupation of certain extents of land situated in Krishnavaram village, Bhadrachalam Mandal, which is notified as a scheduled area. The Settlement Officer, Bhadrachalam, the third respondent herein, has taken up a *suo motu* enquiry under Section 9 of the Regulation 2 of 1970 for the grant of pattas in respect of the lands in question and after due enquiry, by order dated 06.04.1978 disallowed the claim of the petitioner. Aggrieved by the same, the petitioner preferred an appeal before the Director of Settlements, the second respondent, after long lapse of nine years. The second respondent by order dated 20.11.1990 declined to entertain the appeal holding that no sufficient case was made out to condone the abnormal delay of nine years in preferring the appeal against the order of the third respondent. The said order dated 20.11.1990 was challenged by the petitioner by filing a second appeal under Section 9 (3) of the Regulation 2 of 1970 before the Commissioner of Survey, Settlements and Land Records, Andhra Pradesh, Hyderabad. The said appeal was also dismissed by order dated 06.06.1998. The petitioner preferred a review petition seeking review of the order dated 06.06.1998. In pursuance thereof, the Chief Commissioner of Land Administration reconsidered the entire matter and by order dated 24.11.2003 dismissed the review petition. Against the said order after more than a year, this writ petition has been filed contending that the orders passed by the respondents are arbitrary and illegal and not based on the material on record.

I have heard the learned counsel for the petitioner and perused the

material on record. A perusal of the said order dated 20.11.1990 shows that the second respondent having considered the entire material on record recorded a finding that except four L.R., receipts, no other documents were filed before the Settlement Officer and that the appellant's husband one Regati Somaiah appeared before the Settlement Officer and gave the statement and that the Settlements Officer's file contains his left thumb impression attested by the Patwari and endorsed by the Settlement Inspector to the effect that the order copy was delivered on 31.03.1979. Thus, it was held that the plea of the parties that the order dated 06.04.1978 was not served on her at any time is incorrect and baseless and accordingly, refused to condone the delay.

Having heard the learned counsel for the petitioner at length, I do not find any justifiable reason to interfere with the concurrent findings of fact recorded by the authorities below. Even in the affidavit filed in support of this writ petition, there is absolutely no explanation for the delay of more than a year in filing this writ petition against the order dated 24.11.2003. Thus, apparently the petitioner is not diligent in pursuing the proceedings at any point of time. In the circumstances, the writ petition is liable to be dismissed on the ground of laches also.

Accordingly, the writ petition is dismissed. No costs.

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02.02.2005

VGB

To

1 The Chief Commissioner of Land Administration, Government of Andhra

Pradesh, Hyderabad
2 The Director of Settlement, Andhra Pradesh Hyderabad
3 The Settlement Officer-cum-Sub-Collector, Bhadrachalam, Khammam

District
4 Mandal Revenue Officer Bhadrachalam Madnal, Khammam District

5 2CCs to the G.P., for Revenue, High Court Buildings, Hyderabad

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